

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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**IN RE: COLUMBIA UNIVERSITY  
PATENT LITIGATION**

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**MDL NO. 1592**

**IMMUNEX CORPORATION, a  
Washington Corporation and  
AMGEN INC., a Delaware Corporation,**

**CIVIL ACTION NO.: 04-10740-MLW**

**C. D. Cal. No. CV 03-4349 MRP (CWx)**

**Plaintiffs,**

**Judge Mark L. Wolf**

**vs.**

**THE TRUSTEES OF COLUMBIA  
UNIVERSITY in the City of New York, a  
New York Corporation,**

**Defendant.**

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**AND RELATED COUNTERCLAIM.**

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**MOTION OF IMMUNEX CORPORATION and AMGEN INC.  
FOR CONSOLIDATION OF NEW RELATED COMPLAINT**

Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, plaintiffs Immunex Corporation and Amgen Inc. move for consolidation of a new related case. Like the earlier-filed complaint, the complaint in the new case, Attached as Exhibit A, concerns Columbia's '275 patent. The new complaint seeks a declaratory judgment on behalf of new parties Amgen Manufacturing, Limited; Immunex Rhode Island Corporation; and Amgen USA Inc.

Consolidation is allowed under Rule 42 because the two actions involve common questions of law or fact. Consolidation is warranted here because it will contribute to the

efficient litigation and adjudication of both disputes without causing any prejudice to Columbia, as set forth in the accompanying memorandum supporting this motion.

Dated: January 19, 2005.

Respectfully submitted,

IMMUNEX CORPORATION, a Washington  
Corporation and AMGEN INC., a Delaware  
Corporation  
By their attorneys,

/s/ Eileen M. Herlihy

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**Certification Pursuant to Local Rule 7.1**

Plaintiffs Immunex Corporation and Amgen Inc. assent to this motion. In addition, Amgen Manufacturing, Limited; Immunex Rhode Island Corporation; and Amgen USA Inc., which are not parties to this action, but are plaintiffs in the new action, assent to this motion. Counsel for Immunex Corporation and Amgen Inc, Amgen Manufacturing, Limited; Immunex Rhode Island Corporation; and Amgen USA Inc. conferred with counsel for Columbia University in a good faith effort to resolve or narrow the issues presented in this motion but was unable to do so. Specifically, the undersigned counsel contacted Columbia's counsel by letter, faxed on Tuesday, January 18, 2005 to request a conference pursuant to L.R. 7.1(a)(2). Columbia's counsel called on January 19, 2005 and, after a discussion of the issues, they indicated that Columbia would not assent to the motion.

/s/ Kirke M. Hasson